Government of
Saskatchewan

Annual Report
1985

Saskatchewan
Public and Private
Rights Board

ANNUAL REPORT - 1985

PUBLIC AND PRIVATE RIGHTS BOARD

TABLE OF CONTENTS

	Page
Letter of Transmittal	1
Staff	2
Report on Activities	3

TABLES

Number of Investigations and Negotiations by the Board - Nature of each, 1985	7
Number of Investigations undertaken by the Board by Expropriating Authority Involved, 1985	8
Number of claims negotiated by the Board by Expropriating Authority Involved, 1985	9
Number of Investigations undertaken by the Board, 1975 - 1985	10
Number of Investigations undertaken by Expropriating Authority Involved, 1975 - 1985	11
Number of Claims Negotiated by the Board, 1975 - 1985	12
Number of Claims negotiated by the Board by Expropriating Authority Involved, 1975 - 1985	13

Saskatchewan

Saskathewan
Public and Private
Rights Board

1020 - 1914 Hamilton Street
Regina, Saskatchewan
S4P 4V4

January 30, 1986

Honourable Grant Devine
President of the Executive Council

Dear Mr. Premier:

As per Section 6 (3) of the Expropriation Procedure Act I have the honour to submit to you the Annual Report of the Public and Private Rights Board for the period January 1, 1985 to December 31, 1985.

Respectfully submitted,

Pauline A. Duncan
Chairman

PAD/mw

The Public and Private Rights Board staff as at December 31, 1985:

Ms. Pauline A. Duncan, Chairman

Mr. Glen T. Hamilton, Director

Mrs. Marion Windrum, Secretary

REPORT ON ACTIVITIES

INVESTIGATIONS AND NEGOTIATIONS

In 1985, the Public and Private Rights Board received twenty (20) requests from Landowners to review matters relating to expropriation or intentions by expropriating authorities to acquire land. Of this total eight (8) were requests to review the route, situation or design of a public improvement or proposed public improvement as per Section Seven (7) of the Expropriation Procedure Act, and twelve (12) were requests to review the amount of compensation offered as per Section Eight (8) of the Expropriation Procedure Act.

During 1985 the Public and Private Rights Board concluded negotiations resulting from thirteen (13) requests from landowners to review the amount of compensation offered for expropriated lands. Of these thirteen (13) concluded compensation negotiations, one (1) resulted from a request received by the Board in 1983, ten (10) resulted from requests made to the Board in 1984 and two (2) resulted from requests made to the Board in 1985. During 1985 the Board also concluded negotiations resulting from nine (9) requests by landowners to review the route, situation or design of a public improvement or proposed public improvement. Two (2) of these nine (9) concluded route, situation or design negotiations resulted from requests made to the Board in 1984. The remaining seven (7) of these concluded route, situation or design negotiations resulted from requestes received by the Board during 1985.

The disposition of negotiations concluded by the Board during 1985 are outlined below.

The one (1) compensation case from 1983 was concluded with the payment of an amount of compensation greater than provided for in

the Formal Offer of Compensation and with additional undertakings by the expropriating authority.

Of the ten (10) compensation negotiations received by the Board in 1984 and concluded in 1985, four (4) were concluded by the payment of an amount of compensation greater than provided in the Formal Offer of Compensation, four (4) were concluded by the expropriating authority providing non monetary services and/or privileges and two (2) were concluded with the landowner agreeing to accept the amount provided in the Formal Offer of Compensation.

The two (2) compensation negotiation cases received and concluded by the Board in 1985 were concluded with the landowner agreeing to accept the amount of compensation provided in the Formal Offer of Compensation.

The two (2) route, situation or design cases which were received by the board in 1984 and concluded in 1985 both resulted in changes to the expropriating authories' initial plans to the satisfaction of the landowners.

Seven (7) of the eight (8) requests received from landowners by the Board in 1985 to review the route, situation or design of a proposed public improvement were concluded in 1985. Six of these negotiations concluded with no change to the route, situation or design of the proposed public improvement. The one (1) other resulted in the delay or cancellation of the proposed public improvement.

During 1986 the Board will continue negotiations and mediations between the landowners and the expropriating authorities on one (1) route, situation or design case which was received by the

Board in 1985 (to which resolution is expected shortly), on ten (10) compensation cases which were received by the Board during 1984 and on ten (10) compensation cases which were received by the Board during 1985.

No cases received, investigated or negotiated by the Board during 1985 were or will be taken to the Courts for resolution.

POLICY AND PRACTICE REVIEWS

During 1985 the Board undertook a number of discussions with the expropriating authorities with which it is empowered to act in regard to the policies, practices and procedures of those expropriating authorities and of this Board.

Our primary concern was, and is, the discrepancies among the expropriating authorities in terms of the amount of compensation offered for expropriated interests in land, especially for easements. In particular, the amount of compensation offered for easements by Saskatchewan Telecommunications is significantly less than that offered by the other comparable authority, Saskatchewan Power Corporation. We have had discussions with both the Saskatchewan Power Corporation and Saskatchewan Telecommunications concerning their present policies and formulas, and it is our perception that Saskatchewan Telecommunications will consider changes to its present policies and formulas.

The amount of compensation offered by all the expropriating authorities, even the most generous, for easements, still compares most unfavourably with the amount of compensation generally offered by oil and gas companies for obtaining surface rights and indeed compares unfavourably to amounts awared by the Surface Rights Arbitration Board. This makes negotiations with landowners who have been affected by both types of enterprises extremely difficult.

We are continuing to discuss this matter with the expropriating authorities.

We have had a number of discussions with expropriating authorities as to the policies, practices and procedures of our Board, especially in regard to the form our mediation function should take. The expropriating authorities have expressed general satisfaction with the role of our Board and the way in which we undertake our duties. Some concern was expressed, in particular by Saskatchewan Power, that the form of our mediation, sometimes, and perhaps too often, left a perception that our Board was acting as advocate for the landowners. Concrete suggestions were made which we perceived as desirable and which we have attempted to incorporate into our practices and procedures.

The Board will be discussing with the relevant authorities in the near future the desirability and feasibility of including within its mandate investigations and mediations of expropriations undertaken under the Municipal Expropriations Act.

The Public and Private Rights Board continued to enjoy co-operation from all of the expropriation authorities with which it is empowered to interact.

ANNUAL REPORT - 1985

PUBLIC AND PRIVATE RIGHTS BOARD

SECTION 6 - 3, EXPROPRIATION PROCEDURE ACT

TABLE 1

(A)	Number of investigations undertaken by the Board		20
	Nature of each:		
	Route, situation or design	8	
	Compensation	12	
(B)	Number of claims negotiated by the Board		44
	Nature of each:		
	Route, situation or design	11	
	Compensation	33	

TABLE 2

Number of Investigations undertaken by the Board by

Expropriating Authority Involved, 1985

Expropriating Authority	Route, Situation or Design	Compensation	Total
Conservation & Development Area Authority		1	1
Saskatchewan Highways		2	2
Saskatchewan Power Corporation	1	3	4
Saskatchewan Telecommunications	6	5	11
Miscellaneous (R.M.)	1	1	2

TABLE 3

Number of claims negotiated by the Board by Expropriating Authority Involved, 1985

Expropriating Authority	Route	Compensation	Total
Conservation and Development Area Authorities		1	1
Saskatchewan Highways	3	6	9
Saskatchewan Power Corporation	1	6	7
Saskatchewan Telecommunications	6	19	25
Miscellaneous (R.M.)	1	1	2

TABLE 4

Number of investigations undertaken by the Board 1975 - 1985.

Year	Route, Situation or Design	Compensation	Miscellaneous	Total
1975	23	12	5	40
1976	13	18		31
1977	20	30	7	57
1978	11	12	3	26
1979	3	15	4	22
1980	4	9	3	16
1981	53	55		108
1982	38	58		96
1983	3	8		11
1984	8	22		30
1985	8	12		20

TABLE 5

Number of Investigations undertaken by the Board by Expropriating Authority Involved, 1975 - 1985

Year	Sask. Agriculture (C & D)	Sask. Highways	Sask. Parks & Renewable Resources	Sask. Power	Sask. Supply & Services	Sask. Tel	Miscellaneous
1975	9	20	-	4	-	2	5
1976	3	12	-	3	-	4	9
1977	5	3	-	13	16	13	7
1978	2	4	1	1	5	5	3
1979	3	9	-	1	1	3	4
1980	1	5	-	2	-	1	3
1981	7	11	-	80	-	4	6
1982	33	2	-	53	-	8	-
1983	-	-	-	1	-	11	-
1984	-	7	-	5	-	17	1
1985	1	2	-	4	-	11	2

TABLE 6

Number of claims negotiated by the Board 1975 - 1985.

Year	Route, Situation or design	Compensation	Total
1975	23	12	35
1976	9	18	27
1977	20	30	50
1978	11	12	23
1979	3	15	18
1980	4	9	13
1981	51	51	102
1982	38	58	96
1983	2	8	10
1984	38	28	66
1985	11	33	44

TABLE 7

Number of claims negotiated by the Board by Expropriating Authority Involved 1975 - 1985.

Year	Sask. Agric. (C&D)	Sask. Highways	Sask. Parks & Ren. Resources	Sask. Power	Sask. Supply & Services	Sask. Tel	Misc.
1975	9	20	-	4	-	2	-
1976	3	12	-	3	-	4	5
1977	5	3	-	13	16	13	-
1978	2	4	1	1	5	5	5
1979	3	9	-	1	1	3	1
1980	1	5	-	2	-	2	3
1981	7	11	-	80	-	4	-
1982	33	2	-	53	-	8	-
1983	-	-	-	1	-	9	-
1984	32	3	-	5	-	26	-
1985	1	9	-	7	-	25	1